

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISON**

FELIKS MEDVEDEV,	§	
<i>Plaintiff,</i>	§	Civil No:
v.	§	
UR MENDOZA JADDOU, Director of	§	COMPLAINT TO COMPEL
U.S. Citizenship and Immigration	§	AGENCY ACTION UNDER
Services,	§	28 U.S.C. § 1361 AND 5 U.S.C.
<i>Defendant.</i>	§	§§ 555(b), 706(1), AND FOR A
	§	WRIT OF MANDAMUS TO
	§	COMPEL DEFENDANTS'
	§	ADJUDICATION OF FORM
	§	N-400 CITIZENSHIP
	§	APPLICATION
	§	Agency No. A059 266 739

COMPLAINT FOR WRIT OF MANDAMUS

To the Honorable Judges of Said Court:

Plaintiff, Mr. Feliks Medvedev, through undersigned counsel, alleges as follows:

I. INTRODUCTION

1. This is a civil action brought pursuant to 28 U.S.C. § 1361, 8 U.S.C. § 1329, and 28 U.S.C. § 1331, to redress the deprivation of rights, privileges and immunities secured to Plaintiff to compel Defendant to perform a duty Defendant owed to Plaintiff.

2. This action is brought to compel Defendant and those acting under her supervision to take action on an Application for Citizenship, Form N-400 (“N-400 Application”) for Plaintiff to become a United States citizen.
3. Plaintiff requests that this Court issue injunctive relief and a writ in the nature of mandamus compelling Defendant to make a determination to grant or deny citizenship under 8 U.S.C. § 1255.

II. JURISDICTION

4. This Court has general federal question jurisdiction over this action under 5 U.S.C. §§ 555(b) and 706(a), 28 U.S.C § 1361, and 28 U.S.C. § 1331(a). Jurisdiction is also conferred by 5 U.S.C. § 704.
5. This Court also has jurisdiction to grant declaratory relief pursuant to 28 U.S.C. §§ 2201 and 2202 and F.R.C.P 57 and 65.

III. VENUE

6. Venue in the Northern District of Georgia is proper pursuant to 28 U.S.C. § 1391(e). Defendant is an Officer of the United States acting in her official capacity, and the U.S. Attorney General’s Office, the Department of Homeland Security (“DHS”), and the United States Citizenship and Immigration Services (“USCIS”) are agencies of the United States. Additionally, Plaintiff resides in this judicial district.

IV. EXHAUSTION

7. There are no administrative remedies available for Plaintiff to exhaust.

V. PARTIES

8. Plaintiff FELIKS MEDVEDEV (Alien Registration Number A059 266 739) is a resident of Gwinnett County, Georgia and is an applicant for citizenship.

9. Defendant UR MENDOZA JADDOU is the Director of USCIS, a fee-for-service agency which is responsible for the administration and enforcement of the immigration laws of the United States.

VI. FACTUAL ALLEGATIONS

10. Plaintiff, Mr. Feliks Medvedev, is a native and citizen of Ukraine, who has been a permanent legal resident in the United States since May 26, 2012.

11. On March 17, 2020, USCIS has received the Plaintiff's N-400 Application. His application was assigned Case# IOE9252047009.

12. The last action in the case was on July 30th, 2021 when USCIS has received the Plaintiff's Response to a Request for Evidence sent earlier by USCIS.

13. Plaintiff's Permanent Resident Card expired on June 7, 2022. Because of that, the Plaintiff's driver's license also expired and the Plaintiff had to apply for a replacement of his Permanent Resident Card paying all the required fees.

14. Plaintiff has at all times met and continues to meet the requirements necessary to become a US Citizen of the United States.

15. Plaintiff should not be required to wait further when the announced unreasonable processing times may simply grow longer and longer.

16. Despite Plaintiff's diligent efforts, it does not appear that the Defendant is moving forward on adjudicating Plaintiff's Application.

COUNT 1

17. Plaintiff re-alleges all of the allegations contained herein.
18. Plaintiff is eligible for immediate adjudication of his Application.
19. Plaintiff is admissible to the United States as a U.S. citizen.
20. Plaintiff has suffered and will continue to suffer significant and irreparable harm because of the Defendant's policies, procedures, acts and failures to act as described herein.
21. Defendant violated Plaintiff's statutory right to apply for benefits which Congress has provided under the INA, depriving Plaintiffs of the opportunity to pursue citizenship and live lawfully in the United States under 8 U.S.C. § 1255.

COUNT 2

22. Plaintiff re-alleges all of the allegations contained herein.
23. Plaintiff has suffered a legal wrong or has been "adversely affected or aggrieved" by agency action. 5 U.S.C. § 702. Plaintiff is a person aggrieved by agency action, for which there is no other adequate remedy in a court. 5 U.S.C. § 704.

COUNT 3

24. Plaintiff re-alleges all of the allegations contained herein.
25. Defendant owes Plaintiff a clear and certain duty to adjudicate Plaintiff's Application.
26. Plaintiff has no other adequate remedy at law.

VI. PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully request the Court:

1. Assume Jurisdiction over this action;
2. Issue a Writ of Mandamus compelling Defendant to immediately adjudicate the pending Application and, if approved, to schedule the Plaintiff to the next available Oath Ceremony at the USCIS location in Atlanta;
3. Award Plaintiff reasonable costs and attorney's fees under the Equal Access to Justice Act; and
4. Award such further relief as the Court deems just or appropriate.

RESPECTFULLY SUBMITTED this 27th of January, 2023.



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VERIFICATION

I, Raluca L. Hanea, hereby verify that, to the best of my knowledge and belief, the matters stated in the Complaint to Compel Agency Action and for a Writ of Mandamus to Compel Defendant's Adjudication of Form N-400 Application for Citizenship are true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Buford, Georgia on this the 27th of January, 2023.



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CERTIFICATE OF SERVICE

This is to certify I electronically filed the foregoing COMPLAINT FOR WRIT OF MANDAMUS and its accompanying Exhibits with the Clerk of Court using the CM/ECF system. This system will automatically send email notification of such filing to all below Defendants who are registered with this system. In addition, in compliance with local rules, this initial Complaint and the accompanying Exhibits and summons have also been served by First Class Certified Mail, postage pre-paid, on:

Ur Mendoza Jaddou, Director USCIS
c/o
Office of the Chief Counsel
5900 Capital Gateway Drive
Mail Stop 2120
Camp Springs, MD 20588-0009

Ryan K. Buchanan, Acting U.S.
Attorney,
Northern District of Georgia
75 Ted Turner Drive SW
Suite 600
Atlanta, Georgia 30303

Certified this the 27th of January, 2023.



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UR MENDOZA JADDOU, Director of §
U.S. Citizenship and Immigration § Agency No. A059 266 739
Services, §
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LIST OF EXHIBITS

- | | |
|-----------|---|
| Exhibit A | Plaintiff's Permanent Resident Card; |
| Exhibit B | Plaintiff's N-400 Case History printed from USCIS's website; |
| Exhibit C | Form I-797C, Notice of Action dated 09/04/2020; |
| Exhibit D | Form I-797, Notice of Action, dated 01/24/2022 for Form I-90; |
| Exhibit F | USCIS.gov processing time report for N-400. |

Respectfully submitted this 27th of January, 2023.



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